

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

SHAWN L. VAN FOSSEN,)	
Plaintiff,)	
)	No. 10-151 EJM
vs.)	
MICHAEL J. ASTRUE,)	ORDER
COMMISSIONER OF SOCIAL)	
SECURITY,)	
Defendant.)	

Plaintiff brings this action seeking review of the Commissioner's denial of her application for social security disability and supplemental security income benefits. The court has jurisdiction pursuant to 42 USC §405(g). Affirmed.

Claiming an onset date of May 12, 2006, plaintiff alleges disability due to multiple impairments. She asserts the Administrative Law Judge (ALJ) failed to properly weigh the opinions of Licensed Mental Health Counselor (LMHC) Sigwarth. Accordingly, she asserts that the Commissioner's decision is not supported by substantial evidence on the record as a whole.

[R]eview of the agency decision is limited to whether there is substantial evidence on the record as a whole to support the [Commissioner's] decision. This requires [the court] to do more than merely parse the record for substantial evidence supporting the [Commissioner's] decision. [The court] also must consider evidence in the record that detracts from the weight of the decision. Substantial evidence is less than a preponderance, but enough so that a reasonable mind might find it adequate to support the conclusion.

Robinson v. Sullivan, 956 F2d 836, 838 (8th Cir. 1992) (internal citations omitted).

The ALJ found plaintiff's severe combination of impairments include degenerative disc disease, mild lumbar scoliosis, obesity, a small calcaneal spur of

the right foot, an affective disorder variously diagnosed as bipolar or major depressive disorder, an anxiety-related disorder, and a borderline personality disorder, but further found plaintiff retained the ability to perform substantial gainful activity.

Upon review of the record, it is the court's view that the ALJ properly characterized the nature of LMHC Sigwarth's opinion, and permissibly discounted the weight given to her views in observing they were inconsistent with other matters of record as set forth in her thorough decision, including Advanced Registered Nurse Practitioner Kolb's treatment notes, Dr. Lip's consultative examination and findings thereon, the opinions of psychological consultants, and treatment notes from caregivers at the Abbe Center for Community Mental Health.


Upon the foregoing, and without minimizing the seriousness of plaintiff's impairments, the court is satisfied that the ALJ's decision is supported by substantial evidence on the record as a whole.

It is therefore

ORDERED

Affirmed.

July 21, 2011.



Edward J. McManus, Judge
UNITED STATES DISTRICT COURT